

HAMILTON COUNTY BOARD OF COMMISSIONERS
FEBRUARY 26, 2001

The Hamilton County Board of Commissioners met on Monday, February 26, 2001 in the Commissioner's Courtroom in the Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. The commissioners met in Executive Session at 12:15 p.m. Vice President Clark called the public meeting to order at 1:10 p.m. A quorum was declared of Commissioner Steven A. Holt and Commissioner Sharon R. Clark. Commissioner Steven C. Dillinger was absent. The Pledge of Allegiance was recited by everyone.

Approval of Minutes:

Holt motioned to approve the minutes of January 24, 2001, February 12, 2001 and February 14, 2001. Clark seconded. Motion carried unanimously.

Executive Session Memoranda:

Holt motioned to approve the Executive Session Memoranda of February 26, 2001. Clark seconded. Motion carried unanimously.

Open Road Cut Permits: (Tape 1, #343)

Mr. Locke requested approval of Open Road Cut Permits: 1) P2001054 - Weihe Construction, Inc. on Ditch Road 1,220' north of centerline of West 131st Street to connect to existing IWC water main to serve subdivision. 2) P2001091 - Indiana Gas Company at 502 E. 108th Street 200' from CL west side of Ruckle & 9' of centerline of East 108th Street to add shut off valve. 3) P2001102 - Valenti-Held Contractor/Developer, Inc. at 1200' north of 126th Street on Towne Road to relieve a drainage problem. 4) P2001103 - Valenti-Held Contractor/Developer, Inc. at 170' north of 126th Street on Towne Road to relieve drainage problem. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit - Highway Department:

Mr. Locke requested acceptance of Bonds/Letters of Credit for the Highway Department: 1) HCHD #B92-0030 - Peerless Insurance Company Continuation of Certificate for Bond No. 18-758755 issued for Rishel Excavating, Inc. in the sum of \$25,000 to now expire March 19, 2002. 2) HCHD #B96-0033 - Ohio Casualty Insurance Company Continuation Certificate for Bond No. 3-401-286-3 issued for Gravelie Excavating, Inc. in the sum of \$25,000 to now expire March 29, 2002. 3) HCHD #B01-0009 - Ohio Farmers Insurance Company Performance Bond issued for ABC Contractors, Inc. in the sum of \$14,000 for Lamong Road Projects, 2310 W. 236th Street, Sheridan, IN to expire February 13, 2003. 4) HCHD #B01-0010 - Ohio Farmers Insurance Company Payment Bond issued for ABC Contractors, Inc. in the sum of \$14,000 for Lamong Road Project to expire February 13, 2003. 5) HCHD #B01-0011 - Ohio Farmers Insurance Company Payment Bond No. 5875205 issued for S&B Construction Company, Inc. in the sum of \$15,000 for a commercial driveway for River Ridge Crossing, 4825 E. 96th Street, Indianapolis to expire February 20, 2003. 6) HCHD #B01-0012 - Ohio Farmers Insurance Company Performance Bond No. 5875205 issued for S&B Construction Company, Inc. in the sum of \$15,000 for a commercial drive for River Ridge Crossing to expire February 20, 2003. Holt motioned to accept. Clark seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit - Highway Department:

Mr. Locke requested release of Bond for Highway Department: 1) HCHD #B00-0146 - Erie Insurance Bond No. Q886870118R for permit P-2000168 for a commercial drive 295' south of 206th Street on Riverwood Avenue, Noblesville Township. Holt motioned to release. Clark seconded. Motion carried unanimously.

Agreements: (Tape 1, #400)

Engineering Services for 2001:

Mr. Locke requested approval of the open ended agreement for Engineering Services for 2001 between Hamilton County and United Consulting Engineers, HCHD #M-88-0001. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Bridge #103 Utility Agreement:

Mr. Locke requested approval of Utility Agreement, HCHD #M-01-0012 with Public Service Indiana for Bridge #103, 216th Street over Jones Ditch. Holt motioned to approve. Clark seconded. Motion carried unanimously.

U.S. 31 and S.R. 37 Interchange Study Supplemental Agreement:

Mr. Locke requested approval of Supplemental Agreement No. 1, HCHD #E-00-0002, for the U.S. 31 and S.R. 37 Interchange Study, with United Consulting Engineers. This supplement will include the frontage roads from 191st Street to 296th Street. It would be an additional \$8,500. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Bridges #195, #196, & #197 Engineering Agreement Amendment:

Mr. Locke requested approval of Amendment #1 to Engineering Agreement HCHD #E-98-0037 with R.W. Armstrong for Bridges #195, #196 & #197. This adds right-of-way engineering, right-of-way services and construction inspection to the original agreement. The additional supplement amount is \$63,600 for a total fee for the three (3) bridges of \$179,300. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Small Structure #12003, Hague Road over Chaney Creek Engineering Agreement:

Mr. Locke requested approval of Engineering Agreement, HCHD #E-01-0004, with R.W. Armstrong for Small Structure #12003, Hague Road over Chaney Creek. The agreement amount is not to exceed \$30,300. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Bridge #141 Engineering Agreement Supplement No. 3:

Mr. Locke requested approval of Engineering Agreement Supplement No. 3, HCHD #E-97-0008, with First Group Engineering, Inc. for Bridge No. 141, River Road over Vestal Ditch. The supplement is in the amount of \$1,700. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Bridge #177 Engineering Agreement Supplement No. 1:

Mr. Locke requested approval of Engineering Agreement Supplement No. 1, HCHD #E-00-0006, with United Consulting Engineers for Bridge #177, 146th Street over Sand Creek. The supplement is for right-of-way engineering services. The supplement amount is \$4,000. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Bridge #120 Engineering Agreement Supplement No. 1:

Mr. Locke requested approval of Engineering Agreement Supplement No. 1, HCHD #E99-0009, with United Consulting Engineers for Bridge #120, carrying 191st Street over Stony Creek. This adds right-of-way services and construction inspection in an additional amount of \$27,000. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Acceptance of Streets: (Tape 1, #609)

English Oaks Subdivision:

Mr. Locke requested acceptance of streets of English Oaks Subdivision, North of 106th Street/East of Shelborne Road in Clay Township for a total of .041 miles. Mr. Locke stated this was approved at the last meeting, but there was a plat change of street names at the last meeting. Mr. Locke requested repeal of the street acceptance of February 12, 2001 and acceptance of streets listed in Exhibit "A" dated February 22, 2001. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Correspondence Concerning Investigation of Requests:

Mr. Locke requested approval of correspondence concerning investigations of requests for signage on Hamilton County Roads. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Regulatory Signs - English Oaks Subdivision:

Mr. Locke requested approval of an Official Action for Regulatory Signs in the English Oaks Subdivision, north of 106th Street/East of Shelborne Road in Clay Township. Mr. Locke stated this will repeal the official action of February 12, 2001 and enact the official action with the new street names. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Regulatory Signs - Towne Road:

Mr. Locke requested signatures on the official action for regulatory signs on Towne Road from 116th Street to Eagle Creek Ave. in Clay and Washington Townships. This official action was approved on February 12, 2001. This will repeal the 50 mph and enact a 45 mph.

Regulatory Signs - Village Farms:

Mr. Locke requested approval of an official action removing the Greyhound Pass STOP for Shoreway East Drive in Village Farms Subdivision in Washington Township. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Regulatory Signs - 246th Street & Devaney Road:

Mr. Locke requested approval of an official action to remove the regulatory sign on 256th Street stopping for Devaney Road. Holt motioned to approve. Clark seconded. Motion carried unanimously. Mr. Christopher Burt stated "Cross Traffic Does Not Stop" plaques will be installed as well as a flasher on a temporary basis.

Acceptance of Right-of-Way: (Tape 1, #750)

Chapman Estates Exempt Plat:

Mr. Locke requested approval of acceptance of right-of-way for Chapman Estates Exempt Plat from Barry L. and Elizabeth Chapman. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Hamilton Heights High School:

Mr. Locke requested approval of acceptance of right-of-way from Hamilton Heights High School along 256th Street. Holt motioned to approve. Clark seconded. Motion carried unanimously.

SR 37 Interchange Discussion: (Tape 1, #780)

Mr. Locke asked if the Board of Commissioners had any input, changes or questions before we submit the SR 37 Interchanges to the Plan Commission? Clark asked if these are all urban interchanges? Mr. Morasch stated yes. Clark asked if they are just being put on the Thoroughfare Plan? Mr. Morasch stated that is correct. Our request is that we forward this to the Plan Commission for public comment and adoption at their meeting. Holt asked if we should contact Tipton County and offer a cost share for the engineering on the county line road? Mr. Locke stated we could contact them and see if they would be interested in sharing the cost. Holt stated show them what we have done and suggest sharing it 50/50.

Mr. Locke stated they could do that prior to sending this to the Plan Commission. Holt motioned to approve. Clark seconded. Motion carried unanimously. Holt motioned to forward the S.R. 37 corridor interchange study to the Hamilton County Plan Commission with a request for favorable recommendation. Clark seconded. Motion carried unanimously. Holt asked if we want to forward the 206th Street plan to the Noblesville Plan Commission? Mr. Locke stated we can forward a courtesy copy to them and tell them we are sending it to our Plan Commission. Holt stated he thinks it is in their jurisdiction. Mr. Morasch will check to see what jurisdiction it is in and bring it back later in the meeting.

106th Street and College Avenue: (Tape 1, #1039)

Mr. Locke requested approving their recommendations for 106th Street and College Avenue, so it can be sent to final design. This will keep us on schedule. It is a fairly tight schedule to keep the federal aid funds. Holt asked if we can wait 30 days? Mr. Locke stated we have approximately 2-3 months of extra time at the end of the schedule. We are approximately 2 weeks behind on the schedule right now. Mr. Locke stated there is no way to make up time in the schedule, which puts it at a higher likelihood of the project not getting federal aid funding. Holt stated he has had a hard time meeting with the homeowners association and he has indicated by voice mail that he would ask to have this tabled for 30 days. Holt stated we have looked at lane changes and that information has not been disseminated to the neighborhood leadership and they need to know that information. Holt asked Mr. Locke to put together a brief description of what the commissioners have already agreed to what we would like. Mr. Morasch asked if there is a particular person or group we should contact? Holt stated Mark Swanson is the person he has been in contact with. Holt recommended sending it to everyone who has been in contact with the Highway Department and everyone who attended the public meetings. Mr. Locke stated the one issue we looked in to after the last meeting was to reduce the radius and taper of the northwest corner. After looking into it the Highway Department can not recommend to the Board that we reduce the tapers or the radius because of the encroachment into the opposite direction left turn lane by 11', for fire trucks or semi trucks or school buses. Holt stated in the send out it should be expressed the commissioners have requested a reduction, the Highway Department does not recommend it and that will be an issue that will be decided on March 26th. Clark stated she met with the neighbors and there will be a request on the right-of-way for the sidewalk on 106th Street. As you go east on 106th Street we will have to take private property before we get to the dedicated property and they recommended we continue the 6' sidewalk beyond the window place and make the taper as we get to the 10', where we have the right-of-way. Mr. Locke stated by the time utilities are put in, the right-of-way will not change, we can put smaller paths for more green space. Clark asked if we take 6' or 10' we still have to take it? Mr. Morasch stated right. Holt motioned to table for 30 days. Clark seconded. Motion carried unanimously. Mr. Jim Spencer, 703 106th Street, stated he has been concerned that the preliminary design shows it coming through his property and now he has been told they are just going to take the parking. He is concerned that his business is done. Clark stated the Highway Department will be putting together a revised plan and he will be contacted.

Vandalism on Olio Road: (Tape 1, #1575)

Mr. Tom Stevens stated during the weekend of February 16-19, there was extensive vandalism on Olio Road in the vicinity of Hamilton Southeastern High School. Damage was done to the bridge rail, road signs and the keystone wall with spray paint. The damage to the keystone wall may be very difficult to fixed or may not be able to be fixed. The damage was turned over to the Sheriff's Department and assigned to Deputy Scott Jackson. Mr. Stevens asked if the commissioners would want this damage turned over to the insurance company? What possible actions can the Highway Department take so this sort of thing be discouraged in the future? Holt stated Mr. Stevens should contact Bob Fearnin regarding whether it is logical to submit a claim or not. Clark agreed. Mr. Stevens stated he does not have the expertise in-house to repair the keystone wall. He will have to contact professionals for their recommendations. Mr. Stevens stated the bridge will have to be sandblasted and the coating will have to be replaced, portions of that can be done in-house. Holt stated other than a letter to the Sheriff's Department to be on the look out, he is not sure what else can be done.

Highway/Council Meeting:

Holt stated he will attend the Highway/Council meeting on Friday, March 2, 2001. Mr. Stevens stated the meeting is at 8:30 a.m. Mr. Stevens stated the main topic for the meeting will be the commissioner's priorities for highway projects.

Chesterton Area - Clay Regional Waste:

Clark stated she has spoken to Mark Fisher regarding the Clay Regional Waste regarding the Chesterton area. Mr. Locke stated there seems to be a problem with Clay Regional Waste getting the roads done in time to meet our permit requirements. We will be resurfacing several roads in that area soon. Indianapolis Water Company is wanting to put lines in there. The Highway Department's recommendation would be to eliminate 11 sections of road that are currently in our Resurface Contract 01-2, which will be 2.34 miles and reschedule them in 2002 or if there is not room, put them in 2003 resurface contract schedule. This would give us time for Clay Regional Waste to get their project done, we can assure that they re-established the side ditches as they have agreed to do. We would perceive adding a section of Cumberland Road, which is not on either one of the programs. We have had substantial problems within the last week. We recommend adding Cumberland Road from 96th Street to 84' south of Woods Edge Drive. The contracts are out for sale but the changes can be done by addendum in the next couple of days. Clark asked to put Chesterton in to the 2002 program? Mr. Locke stated we have a full program for 2002, unless something falls out we would have to ask for additional money over our normal amount. Mr. Stevens stated it is possible, but we will not know when the utilities will be done. Mr. Locke stated the water company is just starting this process and the chance of them getting the lines in this year is slim. Clark asked if this can be revisited later? Mr. Locke stated yes. Clark motioned to add Cumberland Road from 96th Street to 84' south of Woods Edge Drive to the resurface contract 01-2 and revisit Chesterton in six months to see where it is and if we can let the contract yet this year. Holt stated we should not take any action that would deny these people access to public water. That is a public health issue. No second. Motion dies. Clark motioned to add Cumberland Road to our resurface contract this year and remove Chesterton from the contract. Holt seconded. Motion carried unanimously.

206th Street:

Mr. Morasch stated according to Chuck Kiphart, Plan Commission, 206th Street is outside of Noblesville Planning and the city limits. It does fall within county jurisdiction.

Clark called a break at 1:50 p.m. Clark called the meeting back to order at 2:30 p.m.

Insurance Policy Amendments: (Tape 1, #2163)

Ms. Sheena Randall presented two (2) amendments to our Health Insurance Plan. The first amendment addresses HIPPA, which the approval for the opt-out amendment was made a couple of meetings ago, but the documents had not been prepared at that time. Ms. Randall requested signatures on the documents. Holt motioned to execute the documents per our previous determination. Clark seconded. Motion carried unanimously. Ms. Randall stated the second amendment is regarding the Seventh Amendment to our Section 125 which addresses the definition of dependents. Holt motioned to approve the amendment. Clark seconded. Motion carried unanimously.

Forum Credit Union:

Ms. Randall stated Forum Credit Union made a presentation before the last insurance committee meeting requesting that we allow Hamilton County to be one of their stated employers. If one of our employees approached Forum Credit Union for their benefits, they would not be allowed to join unless they were related to somebody who worked for an entity that has a signed contract with them. The Insurance Committee recommends that we do so. We will not solicit our employees, but if one of our employees contact them, they will be able to join Forum Credit Union. Holt asked if we have this with any other credit union? Ms. Randall stated no. Mr. Howard stated this was formally Indiana Telco Credit Union. Clark asked Ms. Randall to change the letter to read "we are located at One Hamilton County Square". Ms. Randall will change the letter and bring it back for signature. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Employee Benefit Trust: (Tape 1, #2711)

Mr. Howard requested approval of action with respect to the Employee Benefit Trust Fund stating that effective March 1, 2001 the Board of Commissioners will be successor trustees and the assets of the trust are deposited in Metro Bank. Holt motioned that we approve the official action under 6.01 where Hamilton County becomes the successor trustee to Society Bank as Trustee of the County Employees Benefit Trust. Clark seconded. Motion carried unanimously.

Trustee Insurance Bond:

Mr. Howard requested approval of the application from The Fidelity and Deposit Company of Maryland to insure the commissioners in their capacity as trustees of the Employees Benefit Trust. We anticipate the premium to be approximately \$918 per year. Ms. Sheena asked if that policy premium could be paid out of the Employee Benefit Trust? Mr. Howard stated to pay it out of the Liability Trust. Holt motioned to approve. Clark seconded. Motion carried unanimously. Mr. Howard stated we may not get signatures cards delivered to the meeting today. The trust now requires signatures of any employee of the Auditor's office. Mr. Howard requested the commissioner's designate that Vice President Clark authorize the following people be allowed to sign and authorize checks - Robin Mills, Dawn Coverdale, Kim Rauch, Angel Edwards, Lynne Bellinger, Kim McConnell and Sheena Randall. Holt motioned to acceptance of that proposal. Clark seconded. Motion carried unanimously.

Waggoner, Irwin & Sheele Maintenance Agreement:

Ms. Randall requested approval of a maintenance agreement with Waggoner, Irwin & Sheele regarding the County's job classifications and descriptions. They are requesting \$0.28 per mile and \$24 per day per diem. The Insurance Committee recommends approval. Clark motioned to approve. Holt seconded. Motion carried unanimously. Ms. Randall stated she will be requesting an additional appropriation from her budget for the agreement.

Base Map Update Contract Award: (Tape 1, #3077)

Mr. Larry Stout stated they received four proposals for aerial photography and base map update project. Mr. Stout recommended the proposal be awarded to Woolpert, LLP. The fee is \$517,000. Mr. Stout requested approval of the agreement with Woolpert pending appropriation of the \$517,000. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Administrative Assistant:**Noblesville Main Street Upstairs/Downstairs Tour:**

Mr. Fred Swift stated Noblesville Main Street has requested the historic courtroom be included in their Upstairs/Downstairs Tour on April 1, 2001. They know they would have to pay for security. Holt motioned to approve. Clark seconded. Motion carried unanimously.

National Day of Prayer:

Mr. Swift stated the National Day of Prayer Committee has requested they be allowed to meet on the walk in front of the War Memorial on May 6, 2001 at 12:00 noon. They would like to use the Commissioner's Courtroom in case of rain. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Spay Neuter Project:

Mr. Swift stated the County Council did appropriate \$50,000 for the Spay Neuter Project. Mr. Howard will prepare a letter agreement for the Humane Society to sign.

Carmel Police Memorial:

Mr. Swift stated the Carmel Police Memorial will be held on May 9, 2001 at 1:00 p.m. on the Carmel Civic Square.

Drop Box - Treasurer:

Mr. Swift stated the County Treasurer has found a drop box that would accommodate the tax payments. It will be bolted onto the concrete at the east entrance to the historic courthouse. Mr. Warner has approved the location of the drop box. The cost of the box is \$559. Clark and Holt would like to purchase the single box. Color - Metallic Charcoal.

Field Drive Bridge Interlocal Agreement Amendment:

Mr. Howard requested approval of an amendment to the Interlocal Agreement between the City of Noblesville and Hamilton County for the Field Drive Bridge. The project has been changed with substantial increase of cost for Noblesville and during the final design it was determined there was a sewer under the river and there was an agreement that it would be relocated with 2/3 costs to Noblesville and 1/3 cost to the County, with Noblesville's exposure being a maximum of \$300,000. All other terms remain in effect. The project is now designed that SR 19 will be raised up and meet at the bridge at the 100 year flood level and the city has received a written commitment from INDOT to pay the cost of it at a cost of \$1.3 million. The entire intersection will be out of the 100 year flood and there will be an alternate traffic flow when the viaduct floods. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Sheriff: (Tape 2, #848)

Captain Dan Stevens requested approval of the proposal to implement the inmate work project. The budget for this year has increased approximately \$1,000 over last year's budget. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Criminal Justice Committee "Scope of Study" Project:

Captain Stevens presented a list of vendors recommended by Envoy, Inc. to send RFP's for the Criminal Justice Committee "Scope of study" Project. Captain Stevens recommended this list go to the Criminal Justice Committee for review and return their recommendation back to the County Commissioners for approval. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Sewer Tap-On Fees for Community Corrections:

Mr. Howard stated when the building permit for the Community Corrections renovations was applied for the City of Noblesville took a tap-on fee with an estimated water usage with a fee of \$50,000. A tap-on fee is a user fee based on gallons used. Negotiations were held and this agreement sets forth that the county would pay a total of \$15,000 and for about 14 months there would be a measurement of actual gallonage used and then an adjustment will be made. An additional request will be submitted by Captain Stevens to the County Council. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Clay Township Poor Relief Appeal: (Tape 2, #1122)

Ms. Elizabeth Kane, 10964 N. College Ave., Indianapolis. Ms. Kane is appealing an action taken by the Clay Township Trustee regarding a poor relief request. Ms. Kane stated she had applied for relief from Ms. Judy Hagan, Clay Township Trustee. Ms. Hagan received information from Ms. Kane's landlord regarding rent due, the paperwork was completed except for one document regarding her pending Social Security payment requesting she sign over her entire Social Security payment to the Clay Township Trustee to recoup the expenses of helping Ms. Kane. Ms. Kane stated she is not opposed to paying back the money, but this payment could make her self sufficient and take care of a lot of her overdue bills. Ms. Hagan stated this was a condition of her helping her with her rent, which did not seem fair to Ms. Kane. Ms. Judy Hagan, Clay Township Trustee, stated when a client applies for Social Security Disability or

Supplemental Social Security it could take 6 months to a year for a determination to be made if someone is eligible for this benefit. At the time there is an appointment scheduled a subrogation form is signed on behalf of the Township. We are required to do that by our annually adopted rules in Hamilton County and according to the large form the client fills out if they are eligible for a windfall or settlement of some kind and if it is retroactive a portion of that comes back to the township if they have been provided assistance during that time period. When Ms. Kane refused to sign the form she had to deny assistance to Ms. Kane. Ms. Kane stated the purchase order she signed was to bring her rent current for the months of December and January. Her appointment with Social Security was not until February 23rd. She does not understand that this was a condition, she did not mention it before during her previous two trips. She has met every condition Ms. Hagan put before her. It seemed to her that this was an after thought. This was not for future rent. Holt asked if she still lives in the same place? Ms. Kane stated yes. Holt asked if she has paid the rent? Ms. Kane stated no. Holt asked if she is in the process of an eviction? Ms. Kane stated possibly, she has not talked to her landlord. Holt asked if Ms. Kane signs the subrogation can she get the back rent? Ms. Hagan stated yes. Holt asked Ms. Kane if there was any reason you would not want to sign that agreement and avoid eviction? Ms. Kane stated that is not her choice, either sign it or be evicted. If it was she would sign it. She does not believe this has been done in a fair manner. Holt asked if she understands she is obligated to sign the subrogation agreement? Ms. Kane stated she understands from now on, but these are for months where she had not applied for Social Security. Holt asked when will your disability take place? Ms. Kane stated January 2000. Holt stated you would be eligible in July 2000? Ms. Kane stated possibly. Holt stated when you receive the retroactive payment it will be from July. Ms. Hagan is asking you to sign the subrogation from November when she started helping you. Why is that unreasonable? Ms. Kane stated she does not even know if she is going to be getting the Social Security. Holt stated if you don't get it you would not have to pay back the rent. If you do get it why would it not be fair to pay the Trustee back since you will get money back from July? Ms. Kane stated they are not paying all of her bills, she will be in a worse mess because it would be all back pay and the first month's pay. Holt stated this is a basic expense, why should the tax payers have an obligation to help you if you follow the rules. Why would you not want to follow the rules? Ms. Kane stated because this was never mentioned. Holt stated when she explained it was the rule, why would you not follow it? Ms. Kane stated she did not explain it, it seemed she was trying to pull something. Holt asked if she heard the explanation Ms. Hagan gave this afternoon? Ms. Kane stated yes. Holt asked if it seems reasonable? Ms. Kane stated it does from here on, but not for November, December and January. Holt stated despite the fact you stand to get paid back all the way to July, if you don't receive the back payment, you will not owe Ms. Hagan. Ms. Kane stated she does not know enough about it and is not confident about it. Mr. Howard stated if you do not receive disability for November, December and January you do not have to pay her back. If you receive disability for those three months you only have to pay her back three months of disability. If you get disability retroactive to July you can keep July, August, September and October. Ms. Hagan stated there are additional expenses. Ms. Hagan stated she is applying for Social Security effective February 23, 2001. Ms. Kane stated she had her phone appointment two weeks ago and her in person interview on February 23rd. Ms. Hagan stated the Township Association acts as a watchdog of the subrogation agreement through an agreement we have with the Indiana Township Association. If Ms. Kane is eligible for SSI or disability there will be an eligibility date determined. At that point the Township Association asks for a report of all assistance given to her. From the point of her eligibility they pay Ms. Hagan back a portion of it. She has been a client of the Township off and on since 1988. Mr. Howard asked what part do they lay claim to? Ms. Hagan stated it is date sensitive. If she is determined eligible in July 2001 and it is retroactive to December 1, 2000, they will only look at the assistance that she has given her in December and January. Holt asked if Mrs. Kane follows this? Mrs. Kane stated not exactly. Holt asked if anyone advises her? Holt asked if she has an attorney for her Social Security? Mrs. Kane stated no. Mrs. Hagan stated she is struggling with how to explain it clearer, she has never had a client decline. Holt stated we have no choice but to deny the appeal. When that happens she will have a black and white decision. Holt suggested Mrs. Kane seek out an advisor. Holt stated if Mrs. Hagan pays your November rent, she will get back your rent out of the Social Security payment. Mrs. Hagan stated she does not get the full amount, she gets a portion and is unsure what the formula is. Holt stated even if she got all of the rent payment back it would not be unfair. It is her basic life need that she is fronting for you. Holt motioned to deny Mrs. Kane's appeal. Clark seconded. Holt and Clark encouraged Mrs. Kane to sign the form. Holt asked if food stamps are involved? Mrs. Hagan stated no. Motion carried unanimously.

Commissioner Committee Reports: (Tape 2, #1895)

101st Street:

Clark stated she testified in front of the Carmel Plan Commission concerning improvement of 101st Street in southwestern Clay Township. Clark asked if Holt would concur with her position that our policy in the past was to construct arterials and second arterials on our Thoroughfare Plan in the county and this does not include 101st Street. Holt stated he concurs with Clark's testimony in front of the Plan Commission and reaffirmed that this is the County's position.

Attorney:

Ordinance 2-12-01-B, Aldelphia Business Solutions:

Mr. Howard stated at the last meeting the commissioners approved Ordinance 2-12-01-B, Granting a Franchise to Aldelphia Business Solutions to construction, operate and maintain a telecommunications system in Hamilton County. The commissioners signed a faxed copy and Aldelphia sent an original copy for signature the following day. Mr. Howard requested signatures on the clean copy for their records.

Wellhead Protection Delineation Services: (Tape 2, #1980)

Mr. Howard stated we had entered into a contract with a company for the wellhead protection. That company was having difficulty performing their duties. We met with representatives of ESPI and the Indianapolis Water Company. There was an agreement that ESPI would be relieved of the balance of their obligations under the contract on their abandonment of the contingency which is \$35,000 plus. We would enter into new agreements and the Indianapolis Water Company would pick up the difference. Mr. Howard requested approval of an agreement WHPA Incorporated to do some of the work in the amount of \$15,000. The other agreement is with Wessler and Associates in the amount of \$39,000 and Mr. Howard requested that contract be held pending receipt of the agreement from the Indianapolis Water Company. Holt motioned to approve the WHPA agreement. Clark seconded. Motion carried unanimously. Holt motioned to approve the Wessler and Associates agreement pending funding. Clark seconded. Motion carried unanimously.

Liability Policy Addendum:

Mr. Howard requested approval of an application for an addendum to a liability policy. This policy is to insure the Surveyor's employees for the design work of the Thistlewaite Drain. This will be paid out of the trust. This application is with Shand Morahan & Company, Inc. for coverage up to \$1.4 million. Holt motioned to approve. Clark seconded. Motion carried unanimously.

146th Street Bridge IDEM Agreement:

Mr. Howard requested approval on the agreement with IDEM concerning issues on the 146th Street over White River Bridge. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Gallagher Bassett Agreement:

Mr. Howard requested approval of an agreement with Gallagher Bassett for liability claims. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Auditor: (Tape 2, #2226)

Clerk of the Circuit Court Monthly Report:

Ms. Robin Mills requested approval of the monthly report of the Clerk of the Circuit Court for December 2000. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Vendor Claims:

Ms. Mills requested approval of Vendor Claims to be paid February 27, 2001. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Payroll Claims:

Ms. Mills requested approval of Payroll Claims for the period of February 3-17, 2001 to be paid March 2, 2001. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Holt motioned to adjourn at 3:30 p.m. Clark seconded. Motion carried unanimously.

Commissioner Correspondence:

Objection Letter of Proposed Power Plant from Chris & Karen Gellinger

Highway Garage Renovation Meeting Minutes -2/7/01

Notice of Public Hearing:

City of Noblesville - 9710 Butterfly Drive

IDEM Notice of Violation - 146th Street/White River Bridge Project

IDEM Notice of Sewer Permit Application:

Deer Path Section 5 - Noblesville

Settler's Ridge at Haverstick, Section 2A - Carmel

Roudebush Woods, Section 3 - Noblesville

Carmel Fire Station No. 42 - Carmel

Village of West Clay, Sections AG01, AG02, 6502 - Carmel

IDEM Notice of Appeal Rights:

The Highlands at Stony Creek, Section 1 - Noblesville

Fishers YMCA - Fishers

Present:

Sharon R. Clark, Commissioner

Steven A. Holt, Commissioner

Robin M. Mills, Auditor

Kim Rauch, Executive Secretary to Auditor

Fred Swift, Administrative Assistant to Commissioners

Michael A. Howard, Attorney

Wayne A. Farley, Deputy

Tom K. Stevens, Highway Director

Les Locke, Highway Engineer

Amy Rayle, Highway Public Service Representative

Virginia Hughes, Administrative Assistant to Highway Engineer

Jim Neal, Highway Project Engineer

Dave Lucas, Highway Inspector

James Farrell, Highway Inspector

Steve Broermann, Highway Technical Engineer

Mark Fisher, Highway Technical Engineer

Christopher Burt, Highway Staff Engineer

Tim Knapp, Highway Right-of-Way Specialist

Matt Morasch, Transportation Development Engineer

Matt Knight, Highway Staff Engineer

Mike McBride, Small Structure Staff Engineer

Dustin Teachnor, Highway Assets Manager

Eva R. Wood, 106th Street

Phil Dunlap, Indianapolis Star

Emily Pittman, Ledger

Floyd Burroughs, Floyd Burroughs & Associates

Jim Spencer, 703 106th Street

Larry Stout, GIS Manager

BJ Casali, ISS Manager

Elizabeth Kane, 10964 N. College Ave.

Judy Hagan, Clay Township Trustee

APPROVED:

HAMILTON COUNTY BOARD OF COMMISSIONERS

ATTEST:

Robin M. Mills, Auditor